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Matthew W. Grimshaw (State Bar No. 21414) The following constitutes
mgrimshaw@rutan.com the order of the court. Signed November 07, 2011

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Stephen L. Johnson

Stephen L. Johnson
U.S. Bankruptcy Judge

Attorneys for Secured Creditor California Bank &
Trustee, as assignee of the FDIC, receiver for
Vineyard Bank

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re
Corte de Rosa Homes, LLC,
Debtor,

Case No. 11-53334 SJ
Chapter 11

**ORDER GRANTING MOTION FOR
RELIEF FROM THE AUTOMATIC
STAY**

Date: September 26, 2011
Time: 3:30 p.m.
Place: Courtroom 3099

On September 26, 2011, the Court conducted a hearing on the Motion (the
“**Motion**”) For Relief From the Automatic Stay, filed by California Bank & Trust as
assignee of the FDIC, receiver for Vineyard Bank (“**CBT**”). Matthew W. Grimshaw of
Rutan & Tucker, LLP appeared telephonically on behalf of CBT. William Healy of
Campeau Goodsell Smith, L.C. appeared on behalf of the Debtor. There were no other
appearances at the hearing.

The Court, having considered the Motion, which was opposed, and all papers,
declarations, and exhibits filed in support of the Motion, being fully advised on the matter,
for the reasons stated on the record, and good cause appearing therefor, hereby ORDERS

1 as follows:

2 1. The Motion is GRANTED for the reasons stated on the record.

3 2. The Motin affects the following certain real property commonly known as
4 Corte de Rosa, San Jose, California, Assessor's Parcel Number 575-16-053, located in
5 Santa Clara County, California (the "***Property***"). See **Attachment A** for legal description.

6 3. As to CBT, its successors, transferees and assigns, the stay of 11. U.S.C. §
7 362(a) is terminated as to the Property effective the 60th day following entry of the order
8 approving the sale of the Property [Doc. No. 85], and therefore, a foreclosure shall not
9 occur until December 12, 2011.

10 4. This Order is binding and effective despite any conversion of this bankruptcy
11 case to a case under any other chapter of the Bankruptcy Code.

12 5. This court further orders that the 14-day stay as provided in Federal Rule of
13 Bankruptcy Procedure 4001(a)(3) is waived.

14 6. Certificate of Service filed on October 26, 2011 as Document No. 88.

15 ** END OF ORDER **

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17 Approved as to Form and Content

Campeau Goodsell Smith, L.C.,

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By: /s/ William Healy
William Healy
Attorney for Debtors

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EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE ,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS
FOLLOWS:

Beginning at the Southwesterly corner of Lot 801 on the Boundary of Tract No. 5152-Montevidéo Unit No. 12, a map of which was filed for record in Book 302 of Maps at pages 16 and 17 Santa Clara County Records, thence leaving said point of beginning along the boundary of said Tract No. 5152 the following courses, and distances: North 14° 19' East, 209.91 feet; North 75° 41' West, 22.91 feet; North 14° 19' East 85.33 feet; along a tangent curve to the right with a radius of 300.00 feet through a central angle of 33° 41' 00" for an arc length of 176.37 feet, North 48° 00' East, 106.45 feet; North 42° 00' West 89.50 feet; along a tangent curve to the left with a radius of 470.00 feet through a central angle of 37° 17' 00" for an arc length of 305.84 feet; North 79° 17' West, 256.78 feet; along a tangent curve to the right with a radius of 370.00 feet through a central angle of 9° 48' 25" for an arc length of 63.33 feet and North 89° 05' 25' West, 81.25 feet to a point on the Easterly boundary of Tract No. 4712-Montevidéo Unit No. 9, a map of which was filed for record in Book 261 of Maps at pages 9 and 10 Santa Clara County Records; thence along the boundary of said Tract No. 4712 the following courses and distances: South 0° 54' 35" West, 174.00 feet; South 19° 23' West, 163.45 feet and South 36° 46' 29" West, 222.01 feet to the most Easterly corner of Tract No. 4710 Montevidéo Unit No. 7, a map of which was filed for record at Book 256 of Maps, at page 46 Santa Clara County Records; thence along said boundary of Tract No. 4710 the following courses and distances; South 18° 47' 17" West, 78.97 feet, South 10° 43' 29" West, 75.00 feet and South 6° 25' 10" West 80.00 feet to a point on the Northerly boundary of Tract No. 4711, Montevidéo Unit No. 8, a map of which was filed for record in Book 256 of Maps at pages 47 and 48, Santa Clara County Records; thence along the boundary of said Tract No. 4711, the following courses and distances; from a tangent bearing of South 83° 34' 50" East along a curve to the left with a radius of 1945.00 feet through a central angle of 4° 30' 30" for an arc length of 153.04 feet; South 88° 05' 20" East, 399.30 feet and along a tangent curve to the right with a radius of 1055.00 feet through a central angle of 10° 08' 00" for an arc length of 186.59 feet to the point of beginning.

Excepting therefrom all that portion thereof described as follows:

Beginning at the most Southerly corner of Lot 601 as said Lot is shown on the Map of Tract No. 4712 Montevidéo-Unit No. 9 Recorded in I3ook 261 of Maps at pages 9 and 10, Santa Clara County Records; thence from said Point of Beginning along the Southeasterly line of said Lot 601, North 36° 46' 29" East, 74.76 feet to a angle point in said Southeasterly line; thence leaving said Southeasterly line South 19° 23' 00" West, 78.34 feet; thence North 53° 13' 31" West, 23.42 feet to the Point of Beginning.

Also Excepting therefrom all that portion thereof lying within the exterior boundaries of Tract No. 5602, the map of which was filed for record in the office of the Recorder of the County of Santa Clara, in Book 346 of Maps, at pages 17 and 18.

Also excepting therefrom that portion described in the Deed Recorded March 10, 1976 as Instrument No, 5236993 Official Records, as follows:

Beginning at the Southeasterly comer of Lot 505 of Tract No, 4710, Montevideo Unit No. 7, a map of which is Recorded in Book 256 of Maps at page 46, Santa Clara County Records; thence from said Point of Beginning along the Southeasterly line of said Lot 505, North 10° 43' 29" East, 75.00 feet; thence along the Southeasterly prolongation of the Northeasterly line of said Lot 505, South 79° 16' 31" East, 50.50 feet thence South 11° 00' 20" West, 75.00 feet; thence North 79° 16' 31" West, 50.13 feet to the Point of Beginning.

Also excepting therefrom that portion described in the Deed Recorded May 24, 1976 as Instrument No. 5293263 Official Records, as follows:

beginning at the Northeasterly corner of Lot 504 of Tract No. 4710, Montevideo Unit No. 7, a map of which Is Recorded in Book 256 of Maps at page 46, Santa Clara County Records; thence from said Point of Beginning along a Southeasterly prolongation of the Northeasterly line of said Lot South 79° 16' 31" East, 50.13 feet; thence South 6° 25' 10" West, 75.59 feet to a point on the Northerly line of Camden Avenue as shown on the map of Tract No. 4711, Montevideo Unit No. 8 Recorded

In Book 256 of Maps at pages 47 and 48, Santa Clara County Records; thence along said Northerly line of Camden Avenue from a tangent which bears North 85° 03' 12" West along a curve to the right having a radius of 1945.00 feet through a central angle of 1° 28' 22" for an arc length of 50.00 feet to the Southeasterly corner of said Lot 504; thence leaving said Northerly line of Camden Avenue and along the Southeasterly line of said Lot North 6° 25' 10" East 80.00 feet to the Point of Beginning.

Also excepting therefrom that portion described in the Deed Recorded May 3, 1977 as Instrument No, 5630414 Official Records, as follows:

Beginning at the Southeasterly corner of Lot 506 of Tract No. 4710, Montevideo Unit No. 7, a map of which is Recorded in Book 256 of Maps at page 56, Santa Clara County Records; thence from said Point of Beginning along a Southeasterly line of said Lot 506; North 18° 47' 47" East, 78.97 feet to the Northeasterly comer of said Lot; thence along the Southeasterly prolongation of the Northeasterly line of said Lot 506, South 60° 12' 00" East, 50.94 feet; thence South 18° 47' 47" West, 62.16 feet; thence North 79° 16' 31" West, 50.50 feet to the Point of Beginning

COURT SERVICE LIST

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